

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, et al,

Plaintiffs,

vs.

No. 3:17-cv-72

Charlottesville, Virginia

March 1, 2019

JASON KESSLER, et al,

Defendants.

TRANSCRIPT OF TELEPHONIC MOTION and DISCOVERY HEARING  
BEFORE THE HONORABLE JOEL C. HOPPE  
UNITED STATES MAGISTRATE JUDGE.

APPEARANCES:

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Appearances Continued Next Page

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Proceedings recorded by FTR; computer-assisted transcription.

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7 \*\*\*\*\*

8 (Call to Order of the Court at 10:06 a.m.)

9 THE COURT: Hi. This is Joel Hoppe.

10 Who is on the line for the plaintiffs?

11 MR. BLOCH: Good morning, Judge. This is Michael Bloch,  
12 from Kaplan Hecker & Fink, for the plaintiffs.

13 MR. LEVINE: And Alan Levine, from Cooley, for the  
14 plaintiffs, Your Honor.

15 MR. BARKAI: Good morning, Your Honor. This is Yotam  
16 Barkai, from Boies Schiller Flexner, sir, also for the plaintiffs.

17 MS. TENZER: And Gabrielle Tenzer, from Kaplan Hecker &  
18 Fink, is also on the line.

19 THE COURT: All right.

20 All right. Well, good morning.

21 And, let's see, Mr. Kolenich, are you on the phone?

22 MR. KOLENICH: Yes, sir.

23 THE COURT: All right. Good morning.

24 MR. KOLENICH: Good morning.

25 THE COURT: And Mr. DiNucci?

1 (No response.)

2 THE COURT: All right. How about Mr. Schoep? Are you on  
3 the phone?

4 MR. SCHOEP: Yes, I am.

5 THE COURT: All right. Good morning, Mr. Schoep.

6 MR. SCHOEP: Good morning.

7 THE COURT: All right. And then do we have Mr. Stern on  
8 the phone?

9 MR. STERN: Yes, I am. I just joined in.

10 THE COURT: All right. Good morning, Mr. Stern.

11 Okay. Do we have anybody else on the line?

12 (No response.)

13 THE COURT: All right.

14 Well, Mr. Schoep, Mr. Stern, and counsel, this hearing is  
15 being recorded by the court's FTR system, so there is a record of  
16 this hearing.

17 There are a number of things that I want to take up  
18 today. I believe the first things that we'll need to address are  
19 the motions concerning counsel and representations. And then --  
20 we're not going to take up at this time plaintiffs' motion for  
21 sanctions against Mr. Schoep. That's something that, Mr. Schoep,  
22 you'll have an opportunity to respond in the time allowed by the  
23 court's local rules and the scheduling order. And then I'll take  
24 that motion up when it is ripe. And it is not right now. But I do  
25 want to get an update about discovery.

1           And then, of course, Mr. Bloch, I did review your letter.

2           MR. BLOCH: Yes, sir.

3           THE COURT: And I want to address the schedule, at least  
4 preliminarily. We don't have all of the parties on the line, but I  
5 think we can take that up to a degree.

6           So, to start off with, Mr. Schoep, it looks like, from  
7 your motion, that you would like to terminate Mr. Kolenich and  
8 Mr. Woodard's representation of you yourself and try to hire other  
9 counsel. Is that correct?

10          MR. SCHOEP: That is correct.

11          THE COURT: All right. And let me say this -- and  
12 Mr. Kolenich has filed a motion to withdraw as well -- you know, I  
13 do intend to grant your motion, because you do have a right to  
14 represent yourself. If you want to be represented by an attorney  
15 in the case, though, you are going to need to hire an attorney who  
16 can be admitted to practice in this district. And you are going to  
17 have to do that shortly. You know, we're not going to be  
18 postponing deadlines and things like that for you to hire an  
19 attorney if that's going to be a protracted endeavor.

20          Now, I will say this. I am going to continue the trial  
21 in the case. And we'll discuss the deadlines later. So there  
22 isn't going to be that -- you are not going to have to hire an  
23 attorney that is going to have to be ready to jump into trial in  
24 July. But I'm not going to give you a long time to hire an  
25 attorney.

1           MR. SCHOEP: I understand. I appreciate that. If I  
2 could just have enough time to -- you know, to retain one, that  
3 would be good. I don't know what is a fair amount -- what do you  
4 believe is a fair amount of time?

5           THE COURT: Well, I'm going to give you 14 days.

6           MR. SCHOEP: Okay.

7           THE COURT: And, you know, Mr. Schoep, in the meantime,  
8 you know, while you are representing yourself, you know, it is your  
9 responsibility to be meeting deadlines and adhering to the rules of  
10 civil procedure and also, you know, the local rules and the court's  
11 scheduling order. So, you know, you're handling your case by  
12 yourself at this point.

13          MR. SCHOEP: Yes. I understand that.

14          THE COURT: Okay. All right.

15          And -- now, Mr. Kolenich, as to your motion to withdraw,  
16 I take it you are still intending to withdraw from representing the  
17 National Socialist Movement and the Nationalist Front; is that  
18 correct?

19          MR. KOLENICH: Yes, sir, pursuant to -- I mean, clearly I  
20 have been replaced by Mr. Schoep, and it is pretty obvious from the  
21 National Socialist Movement and the Nationalist Front as well. So  
22 it is pursuant to their termination of my services.

23          THE COURT: All right.

24          And, Mr. Stern, you know, I denied your motion last week  
25 because I don't have any information that you are an attorney, and

1 a non-attorney can't represent an entity. So are you intending to  
2 hire an attorney to represent the National Socialist Movement?

3 MR. STERN: Understandable about you denying the motion.  
4 I appreciate that. And, yes, I do intend on hiring an attorney.  
5 And the substitution of counsel was basically to replace the  
6 counsel that was on record as fast as possible. I do -- I have  
7 been in contact with the Virginia Bar Association and have talked  
8 to several reputable attorneys that will be -- I don't want to hold  
9 the case up, so it would probably be within the next four days I  
10 can -- they will be subbing in. In the meantime, at the same time  
11 I filed a motion for summary judgment on the organization, which we  
12 will be totally cooperative to everything necessary for the  
13 plaintiff.

14 THE COURT: Okay.

15 All right. Well, what I'm going to do -- for  
16 Mr. Kolenich, on your motion to withdraw, I'm going to grant that  
17 motion.

18 And, Mr. Stern and Mr. Schoep, I'm going to -- for the  
19 different entities that you are associated with -- Mr. Schoep, I  
20 understand you are still associated with the Nationalist Front; is  
21 that correct?

22 MR. SCHOEP: Basically, the Nationalist Front was never  
23 incorporated. It was never an organization. It doesn't have a  
24 website. It was basically just an idea. It is not an actual  
25 organization or anything of that nature. So -- there's no website.

1 There's no organization. Basically, it was just an idea of working  
2 together. There was no leadership. There was no specific  
3 representative or anything like that. It is like a paper tiger.  
4 It is nothing.

5 THE COURT: All right. Well, be that as it may, it is a  
6 named defendant. And it is not an individual. So, you know, from  
7 what I -- from what I have before me, it is -- I don't -- or I  
8 can't find that the Nationalist Front can represent, you know,  
9 itself or that a non-attorney can represent it. So for the  
10 Nationalist Front and the National Socialist Movement, in the order  
11 that I enter allowing Mr. Kolenich to withdraw, I'm going to give  
12 those entities 14 days also to hire counsel. And I'm going to  
13 order that they do hire counsel. And, you know, failure to have an  
14 attorney note an appearance for those entities can be subject to  
15 the court's contempt authority.

16 MR. STERN: Your Honor, may I interject? The National  
17 Socialist Movement -- from my time of being with the old  
18 organization, looking into it, the National Socialist Movement have  
19 no documentation, which I have been looking for, showing anything  
20 about the Nationalist Front. So I'm here just strictly -- the  
21 National Socialist Movement is on its own, not representing or  
22 taking any responsibility for the Nationalist Front.

23 THE COURT: Okay. I understand that, Mr. Stern.

24 MR. SCHOEP: And if I might interject as well, on that, I  
25 mean, how are we supposed to prove the Nationalist Front is an

1 organization or anything like that or that I'm responsible for it?  
2 I guess that's just a question I would have. I mean, if there's no  
3 organization, how are we supposed to defend it and how are we  
4 supposed to represent it?

5 THE COURT: Well, that is something that the Court is not  
6 going to offer counsel or advice on. That's really up to you,  
7 Mr. Schoep, or anyone who -- you know, who would assert, you know,  
8 control or authority over the Nationalist Front to determine. And,  
9 you know, it is probably a good reason to talk to a lawyer.

10 MR. SCHOEP: Right. I'm just concerned that if I'm  
11 representing myself -- I believe I will be able to retain counsel  
12 within the next two weeks without any -- too many issues on that.  
13 But I'm just concerned if -- you know, why am I required to retain  
14 counsel for the Nationalist Front, you know, because I don't want  
15 to be in contempt of court. So am I required -- for some reason,  
16 is that my responsibility? I guess that's the question. Sorry.

17 THE COURT: Well, Mr. Schoep, if you are a representative  
18 of that entity, then -- and, you know, the responsibility falls to  
19 the individuals who -- you know, who have authority or who  
20 represent the entity. So the answer -- the answer would be yes.  
21 It is your responsibility.

22 MR. SCHOEP: I'm sorry. I didn't hear the last thing you  
23 said, sir.

24 THE COURT: The answer would be yes. It is your  
25 responsibility.



1 MR. SCHOEP: All right.

2 THE COURT: All right.

3 Well, that -- I think that takes care of all of the  
4 representation issues that are before the Court at this time.

5 Let's see, Mr. Bloch or Ms. Tenzer, do you want to  
6 address where things stand with discovery, and in particular the  
7 ESI? And what I'm -- I'm just wondering what additional needs to  
8 be done as far as getting vendor contracts signed, getting devices  
9 and social media credentials to the vendor? And I think those  
10 would be the -- you know, the first steps. But if there are other  
11 things to address, let me know.

12 MR. BLOCH: Yes. Thank you, Judge. This is Mr. Bloch.

13 And I just wanted to go back one second, because I think  
14 it is related to both the counsel issue as well as the discovery  
15 issues. That is, with respect to Mr. Schoep, I certainly  
16 appreciate and respect his right to hire counsel. I just wonder --  
17 while he is currently pro se and we are in the collection process,  
18 particularly given that Mr. Schoep authorized Mr. Kolenich to sign  
19 the vendor contract weeks ago, I wonder if he could be encouraged  
20 to sign the vendor contract today and potentially turn over his  
21 electronic devices as well?

22 THE COURT: Well, I do want to address that with  
23 Mr. Schoep. That's why I wanted to -- and I think we can do that  
24 today. But I wanted to hear where things were.

25 And, Mr. Schoep, I have read the email that you sent to

1 the court. I think that was today.

2 MR. SCHOEP: (Inaudible).

3 THE COURT: Yeah, Mr. Schoep, are you -- it sounded like,  
4 from your email, that you don't have any opposition to signing the  
5 vendor contract?

6 MR. SCHOEP: As it was explained to me back in December,  
7 when I did sign it, that -- my attorney at that time, he felt that  
8 it was a necessary thing for me to sign, and I did agree to it.  
9 You know, I explained in the email letter this morning. But before  
10 I do that, I would rather confer with my new attorney, just to see  
11 if that's something that, you know, we're going to file objections  
12 to or anything of that nature. I would rather not make a decision  
13 on that before talking to my new counsel. So if I could have the  
14 two weeks on that, I would be prepared to either sign it in two  
15 weeks or let my attorney answer for that.

16 THE COURT: Well, I think the time has passed for  
17 objections to this. I mean, this has been the route that we have  
18 been taking for the last number of months. So I'm not going to  
19 allow additional time on that. It is something that really should  
20 have happened quite some time ago. So on the signing the contract  
21 for the vendor, I'm going to require that you do that soon.

22 Have you seen -- have you been provided the contract?

23 MR. SCHOEP: I'm not 100 percent sure on that, but I do  
24 have another request. If you are going to order the signing of  
25 that, one of the things that I'm concerned about there is to have

1 the record sealed. My one -- my main concern -- you know, I don't  
2 have any reason to hide anything or anything like that as far as,  
3 you know, I don't feel I have any burden of guilt on anything. But  
4 my concern is people's names, addresses, careers, things of that  
5 nature getting doxxed and put out to the public. We have seen this  
6 time and time and time again when it comes -- you know, these  
7 things.

8 So what I'm asking for is that these things are sealed  
9 and that it goes no further than the attorneys in the case. I  
10 don't want this to be something that the communists can get and put  
11 out online and ruin people's lives just because they wrote to us.  
12 I mean, it is a First Amendment issue, basically, that a person  
13 should have the right to freedom of speech and assembly, and they  
14 should have the right to contact us and ask us for information  
15 without that information being doxxed out to people that might be  
16 hostile to those individuals and their families.

17 THE COURT: All right.

18 And, Mr. Schoep, I think the concerns that you raise are  
19 addressed by the protective order that the Court has entered in  
20 this case, so that, you know, the materials that would be taken  
21 from any devices or social media accounts are going to fall under  
22 that protective order, and, you know, they are identified as  
23 confidential. They are only to be used in this case, and not  
24 disseminated beyond the case.

25 And if there are any -- if there's any use of those

1 documents for court filings, there's a local rule -- it is Local  
2 Rule 9 -- that sets out the sealing procedure. You know, there has  
3 to be a showing made that certain information should be non-public  
4 and sealed. But, you know, contact or identifying information for  
5 people, addresses, phone numbers, things like that, that  
6 information is always sealed. That is going to be non-public. And  
7 that sort of information would be redacted.

8 MR. SCHOEP: And are you saying that no information in  
9 there can be used or utilized in other cases? It is specifically  
10 for this case only?

11 THE COURT: Right. The protective order would say that  
12 any information is just used for this case.

13 MR. SCHOEP: And you do have that in place, that seal,  
14 and that's in place? Or that's a Virginia state law or federal  
15 law --

16 THE COURT: The protective order is an order that the  
17 Court entered with the agreement of the parties months ago in the  
18 case. So those are the rules that govern the use of discovery in  
19 this case, you know, discovery that is labeled confidential.

20 MR. SCHOEP: Okay. If that's in place, I really don't  
21 have any objections other than that. That was my biggest concern  
22 in that matter, is that that sort of thing is protected so that it  
23 doesn't ruin anybody's lives or anything like that. And that was a  
24 big concern of mine. So if that's the case, I'm pleased to hear  
25 -- I have seen other cases where things were supposed to be sealed

1 and things slipped out in the courtroom and then those people  
2 sitting in there put that information out. So as long as that is  
3 not the case, I thank you very much for that.

4 THE COURT: Okay. All right.

5 Well, what I'll do then is -- Mr. Bloch, and Mr. Schoep  
6 is representing himself at this point, and so you can communicate  
7 directly with him. And I think you would need to do that, to be  
8 able to -- you know, to transmit the contract and to provide that  
9 information of the third-party vendor to him so that he can sign  
10 that contract.

11 And, Mr. Schoep, I'll give you, you know, today and the  
12 weekend to review it, but I'm going to enter an order requiring  
13 that -- and this isn't just for you; this is for all the  
14 defendants -- that the contract be signed by Monday and provided to  
15 the vendor.

16 MR. SCHOEP: I'm sorry. The last thing -- it was  
17 breaking up -- I didn't hear that. I'm sorry.

18 THE COURT: Hold on just a second. Make sure that when  
19 you are talking that you identify yourself, just for the recording.

20 MR. STERN: This is James Stern for the National  
21 Socialist Movement.

22 If there are contracts -- if there is a contract that  
23 needs to be signed by the National Socialist Movement, so I can get  
24 it to whoever I talk to higher, I can get it to them expeditiously  
25 or not?

1 THE COURT: Yes.

2 And, Mr. Bloch, has the National Socialist Movement also  
3 not signed the document?

4 MR. BLOCH: That's correct, Judge.

5 THE COURT: Okay.

6 So, Mr. Stern, it seems -- you know, I guess it is a bit  
7 of a different situation with the National Socialist Movement.  
8 Mr. Stern is their representative at this time.

9 Mr. Bloch, I'll authorize you to forward the contract to  
10 him. I don't see why, if he is their representative, he can't sign  
11 the contract and, you know, bind NSM on it as well.

12 MR. BLOCH: Thank you, Judge. We'll send a copy of the  
13 contract to Mr. Schoep as well as Mr. Stern today.

14 THE COURT: Okay.

15 MR. STERN: Your Honor, James Stern.

16 For clarity, you said bind me on it as well. What -- can  
17 you give me -- what does that exactly mean?

18 THE COURT: Well, why you couldn't sign a contract on  
19 behalf of the entity that you represent, and that, you know, you  
20 could sign a contract binding the entity as you are the -- are you  
21 the president of National Socialist Movement?

22 MR. STERN: Yes, I am.

23 THE COURT: So --

24 MR. STERN: I would think --

25 THE COURT: -- I would think that you could then act on

1       behalf of that group, to sign a contract.

2               MR. STERN: Thank you, Your Honor.

3               THE COURT: Okay.

4               All right. And, Mr. Bloch, do you have the contact  
5       information for Mr. Schoep and Mr. Stern?

6               MR. BLOCH: I believe I do, but it may be helpful for  
7       each of them to just let us know the best email address to reach  
8       them. I believe we have two email addresses for Mr. Schoep and one  
9       for Mr. Stern. Assuming the email addresses that they communicated  
10      with the court from are sufficient, we do have those.

11              THE COURT: Mr. Schoep, I think you have a Gmail address.  
12      It is Jeffschoep@gmail.com. Is that the best one for you?

13              MR. SCHOEP: Yes, sir.

14              THE COURT: Okay. And, Mr. Stern, how about for you?  
15      What is the best?

16              MR. STERN: Jamesstern@thejamesstern.com.

17              THE COURT: All right. And that's -- I think that's on  
18      your motion for summary judgment.

19              MR. STERN: Yes, it is, Your Honor. The information on  
20      there is all correct and up-to-date.

21              THE COURT: All right.

22              All right. And then the contract would need to be signed  
23      by Monday. And then any devices or social media account  
24      credentials and things like that would need to be provided to the  
25      vendor not later than a week from today, next Friday.

1 MR. STERN: Your Honor, James Stern.

2 On this issue of discovery, many of the information that  
3 the National Socialist Movement have, as far as website or Twitter  
4 accounts or anything like that, could you enter an order -- since  
5 I'm now the president of the organization -- that can -- order that  
6 there be no interference by Mr. Schoep of me providing that  
7 information and having access to those accounts?

8 THE COURT: Well, I don't know that I can do that, based  
9 on -- you know, on the information I have right now. I think  
10 that's something that you-all would need to talk about, if there is  
11 -- you know, if there is a concern.

12 MR. STERN: No concern, Your Honor. No concerns. I just  
13 want to make sure that there's nothing held up. I have just become  
14 involved February 15th of all of the information. And I'm  
15 expeditiously trying, with due diligence, to read everything.

16 I see that this case has been held up on discovery  
17 apparently for quite a while. And I want to make sure, on the  
18 National Socialist Movement side, there's nothing to hold up any  
19 information that counsel needs from our side. And I can -- I'm in  
20 a position to make sure that it gets there. But I just want to  
21 make sure there's no interference from -- any opposition from  
22 somebody who has nothing to do with the organization anymore; who  
23 clearly had, you know, a 25-year reign with the organization. I  
24 want to make sure that -- he has no legal standing, no binding ties  
25 with the organization for any more, period. So I just want to make



1 sure that that is clear, that he's not going to interfere with the  
2 duties of turning this information over to the counsel.

3 THE COURT: Well, and that's not something that I'm going  
4 to weigh in on right now. But what I would expect you-all to do is  
5 that when you are identifying any devices or social media accounts  
6 that are associated with the National Socialist Movement, that, you  
7 know, if they are relevant, they need to be provided and turned  
8 over.

9 And if there is an issue, Mr. Schoep or Mr. Stern,  
10 you-all need to talk about it. You also would need to identify  
11 what those issues are so the plaintiffs are aware of whether  
12 devices are being withheld for some reason, you know, other than  
13 relevance. And then the plaintiffs can bring that to my attention.  
14 And we can, you know, address this issue, if it arises and when it  
15 is more mature and fully presented so that I can consider all of  
16 the different -- you know, all of the different factors that would  
17 go into it.

18 MR. STERN: And is Mr. Bloch -- is Mr. Bloch a lawyer  
19 -- this is Mr. James Stern.

20 Is Mr. Bloch a lawyer for the plaintiff?

21 THE COURT: Mr. Bloch is one of the plaintiffs' lawyers.  
22 And his -- I think his contact information is on the -- well,  
23 Mr. Bloch, why don't you -- if you would provide your contact  
24 information, you know, to Mr. Stern and Mr. Schoep. I imagine you  
25 can do that in the email when you transmit -- transmit the

1 contract. But -- and they should -- Mr. Schoep and Mr. Stern  
2 should have contact information or be provided contact information  
3 for the plaintiffs' attorneys as well.

4 MR. BLOCH: Absolutely, Judge. Will do.

5 THE COURT: All right.

6 All right. Mr. Bloch, what other, you know,  
7 discovery-related issues do we need to address?

8 MR. BLOCH: Thank you, Judge.

9 We received a report from the vendor Wednesday night  
10 which we would be happy to provide to the Court. It was sent to  
11 all parties. I think the best way to describe the progress at this  
12 point would be minimal. I wouldn't say nonexistent, but I would  
13 say it is minimal.

14 As of Wednesday night, when the report was sent, there  
15 were no electronic devices that had been turned over at all. It  
16 is, obviously, conceivable that that may have changed to some  
17 degree yesterday. There was a reference in the report to  
18 Mr. Kessler planning on turning over his phone yesterday. And  
19 there was some communication, I believe, with Mr. DiNucci to the  
20 same effect, that they intended to surrender a device yesterday.  
21 But at least as of Wednesday night there had been no electronic  
22 devices turned over.

23 There were --

24 THE COURT: Why don't we do this. I'm a little -- we  
25 probably should have had -- if we are going to get into this, we

1 probably should have had Mr. DiNucci and other defense counsel on  
2 the line. What I'm going to do -- and I think the order will  
3 address this -- is that we're going to enter an order, it will  
4 either be today or Monday, but that we'll set Monday for the date  
5 to sign the contract and have that submitted to the vendor, next  
6 Friday for the date to have all devices and social media account  
7 credentials provided to the vendor. And then -- and perhaps early  
8 the following week, Monday or Tuesday, we can just have a status  
9 conference. And I'm going to want to hear at that point that all  
10 of those things have been done.

11 MR. BLOCH: Thank you, Judge.

12 Judge, just to update you, we did have a call with most  
13 defense lawyers yesterday. It was everybody with the exception of  
14 Mr. Campbell. And we had discussed exactly what Your Honor is  
15 suggesting, which is another call on these issues with the Court.  
16 Everybody is available Tuesday afternoon, if that's convenient for  
17 the Court.

18 THE COURT: Is that Tuesday the -- Tuesday the 12th?

19 MR. BLOCH: Tuesday next week, which I believe is the  
20 5th.

21 THE COURT: Why don't we rather do it -- have it that  
22 following week, which would come after the deadlines for devices  
23 and account credentials to be provided, because I want to make sure  
24 that those have been submitted by then. And I'm out of the office  
25 next Tuesday.

1 MR. STERN: Your Honor, James Stern. Question --

2 THE COURT: Yes, Mr. Stern.

3 MR. STERN: Question.

4 The time frame that I have been given to have counsel  
5 submitted, and can I ask that the Court -- in between that time, so  
6 I can make sure that I adequately update my counsel on everything  
7 in hiring them, can I be privileged to be part of any procedures  
8 until that time, until that deadline is up, so I can make sure I  
9 can fill him in on everything, so that I can adequately fill him  
10 in?

11 THE COURT: We'll -- I'll make sure that the order that I  
12 enter is sent to you and Mr. Stern. You'll get that as well.

13 And then, Mr. Bloch, I think it would make sense for any  
14 email communications to include Mr. Stern and Mr. Schoep.

15 MR. BLOCH: Absolutely.

16 MR. STERN: Thank you, Your Honor. Thank you.

17 THE COURT: All right. Mr. Bloch, what else?

18 MR. BLOCH: Well, Judge, I think that is it in terms of  
19 issues related to discovery and schedule that I think I can address  
20 without the other lawyers here, with I think one exception, which  
21 is that one of the things we talked about -- and I believe that  
22 this probably goes along with what Your Honor was saying earlier  
23 about continuing the trial date, but there is one deadline coming  
24 up on March 11th, which is the expert disclosure date. All of the  
25 parties, I believe Mr. Kolenich --

1 THE COURT: I'm sorry. That will be continued as well.  
2 If you-all don't have the discovery necessary to make the  
3 disclosures, then it -- there's certainly good cause to extend  
4 that, you know, and the other deadlines in the case. We're going  
5 to -- what we'll have to do and what I envision is that, you know,  
6 after the vendor has collected the ESI and that you-all know that  
7 -- that all of the parties know the scope of that and have a sense  
8 of when it can be produced, that we're going to have a better idea  
9 of what the schedule going forward will look like.

10 So what I would -- you know, what I would anticipate is  
11 that around that time that you-all could come up with some  
12 reasonable time frame for the production of the ESI and that we can  
13 talk about what the schedule would -- for the rest of the case  
14 would look like. But, in the meantime, I think that we're going to  
15 want to -- you are going to want to be in touch with Heidi Wheeler  
16 probably after next -- well, two Tuesday's status conference, to  
17 start trying to figure out what trial dates Judge Moon might have  
18 available.

19 MR. BLOCH: Okay. Thank you, Judge.

20 I think -- with that, at this time, unless my other  
21 colleagues on the line have anything else to add, I think that's  
22 all we have from the plaintiffs' side.

23 THE COURT: All right.

24 Mr. Kolenich, anything else from you?

25 MR. KOLENICH: Just, Your Honor, as to March 12th, it

1 appears I'm scheduled for depositions all day and will be  
2 unavailable.

3 THE COURT: That's fine. I'll get Heidi to -- or not  
4 Heidi -- Karen to reach out to you-all to try and schedule a status  
5 conference sometime -- sometime that week.

6 MR. KOLENICH: Thank you.

7 THE COURT: Mr. Stern and Mr. Schoep, hopefully by then  
8 you-all will have an attorney in place to represent you and the  
9 organizations.

10 MR. STERN: Yes, Your Honor.

11 MR. SCHOEP: Yes.

12 THE COURT: Mr. Schoep, do you have anything else to  
13 raise today?

14 MR. SCHOEP: I think that's all right now, Your Honor.

15 THE COURT: Okay. Mr. Stern, anything else?

16 MR. STERN: Other than the motion for summary judgment,  
17 which -- is that -- can that be -- could Your Honor grant that, so  
18 I can save a lot of time and, actually, finances on this issue and  
19 move forward expeditiously?

20 THE COURT: Well, I can't --

21 MR. STERN: I'm sorry.

22 THE COURT: I can't -- I can't take that up right now.  
23 And I think that -- if you are -- if you anticipate having a lawyer  
24 in the case in the next week or so, that that's something that you  
25 will want to talk to your lawyer about.

1 MR. STERN: Uh-huh. Thank you, Your Honor.

2 THE COURT: All right.

3 All right. Well, thank you-all for calling in today.  
4 And I'll try and get that order entered today or, at the latest, on  
5 Monday. And then we will have a status conference the week of  
6 March 11th.

7 MR. BLOCH: Thanks very much, Judge.

8 THE COURT: All right. Have a good day.

9 (Thereupon, these proceedings were adjourned at 10:42 a.m.)  
10

11 I, court-approved transcriber, certify that the foregoing is a  
12 correct transcript from the official electronic sound recording of  
13 the proceedings in the above-entitled matter.

14 /s/ Carol Jacobs White  
15 Signature of Approved Transcriber

March 5, 2019  
Date

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